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administration in various cities of the United States are tabulated and discussed in a way that will make the book an effective companion work to the present volume.

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Studies in History and Jurisprudence: By JAMES BRYCE. Pp. 926. Oxford and New York: Oxford Press.

For twenty-three years, beginning in 1871, Mr. Bryce was Regius Professor of Civil Law in Oxford. He found the course and the examination little else than a farce. He left the latter, as he claims with pardonable pride, "the best arranged and most useful law examination in England."

Following a custom of the University, he delivered from time to time public lectures addressed to audiences learned, of course, but not expert. The subjects were such as would be likely to interest a considerable body of English university men. The treatment was orderly but not over-analyzed; the diction free from technicalities.

These lectures, revamped into essay form plus some additional papers and two lectures with which he began and closed his professional career, make up a volume which is a book only in the physical sense of the word.

If the convenience of readers could have been consulted, the collection might have been put out in three duodecimos of comfortable size and weight. Into the first might have gone the first two and last three of the sixteen essays, all being comparative studies in Roman and English history and law. Analogies and contrasts between the geographical expansions of the two empires of Rome and Britain and between the extension and development of their legal systems are, in these essays, worked out in a manner highly ingenious and in general flattering to the British citizen. The part played by Praetorian edicts in the development of Roman private law elicits the highest praise as compared with English case-law. The edict was tentative legislation, easily mended if found faulty, easily discarded if obnoxious. It is not formally remarked that the edict was also experimental codification, having its culmination in the perpetual edict of Hadrian's time.

The paper on Marriage and Divorce under Roman and English law follows the latter across the Atlantic, and exhibits the operation of our Anglo-American law and practice in a manner not flattering to his American cousins. The author has no admiration for the "free-marriage" of the Roman imperial age, and he is none too hopeful of a return from recent extravagances in the loosening of the nuptial tie whether on his own side of the ocean or ours.

Into a second handy volume Mr. Bryce's publishers, had they so chosen, might have placed the essays numbers III to VIII and given the title of "Constitutional Studies." Three of them are descriptive of the constitutions of Iceland, the Australian commonwealth, and of two South African republics as they stood in 1895. It will be understood by all who know the author through "The American Commonwealth" that it would be impossible for him to confine himself to bare description, so that if they are looking for comparisons, criticism and even for prophecy, they will not be disappointed.

The title, "The United States Constitution as Seen in the Past," but inadequately suggests the exceedingly interesting discussion which it heads. There is no attempt at description or analysis. Indeed, a knowledge of the document and its history are pre-supposed. The author of "The American Commonwealth" had of course studied profoundly the two works which, with his own, form a class to which no addition can be soon expected,—the "Federalist," and "Democracy in America." What Bryce thinks of Hamilton and Tocqueville as expounders, critics and eulogists of our national charter and institutions, all who think on these things will want to know.

This essay, evidently worked out *con amore*, will satisfy them. There is ample exposition of the hopes and fears of the American and of the moderated enthusiasm of the Frenchman. From this is drawn a lesson of moderation for framers of constitutions and legislators. Both these great political philosophers had they survived to the present time would have found their discordant fears groundless and their most ardent expectations realized in most unexpected ways. In this essay and in that on centripetal and centrifugal forces in constitutions the author is wisely careful to avoid conclusions resting on present and passing conditions. The present drift toward great states may be checked, it may even cease, in a day when industrialism shall have completely succeeded militancy, and collectivism shall have extensively replaced individual production.

The remaining four essays (X to XIII) might have been grouped under the title of "Studies in Jurisprudence." The leading essay is on "Obedience," and is obviously the work of a lawyer. One might hazard the guess that its composition antedates the author's acquaintance with Spencer and the sociologists of the generation now closing. Relegating to their proper limbo the theories of contract and physical force as explanatory of the nature of political society, he discreetly suggests that the problem of obedience to government and law is part of a larger problem. Addressing himself to this, he finds the grounds of obedience in general to be indolence, deference, sympathy, fear and reason. Underneath the ingenious discussion and happy illustration of these elements there lurks the suppressed assumption of the lawyer that society is, after all, nothing but a merger of individuals in response to motive. But for quasi-contractual action men might have remained in unsocial isolation. Historically it is the individual who needs to be accounted for rather than the social body out of which he has to be analyzed. It is in the paper on the Law of Nature that the author is at his best in clear thinking and expression. How the Stoics worked out the Aristotelian conception of nature, "as a guiding principle imminent in the universe; how the Roman philosophical jurists took over the political form of the conception and at length made it the rationale of *jus gentium*; how churchmen identified the law of nature with the Divine reason; how the foundation was laid on which Grotius and his school might build the modern law of nations; how the destructive element which lurked in the theory from the beginning appeared in the *Contrat Social* and the Declaration of 1789; how the theory has in our times fallen into desuetude"—all these are elaborated in a thoroughly satisfactory manner.

A visit in 1888 to El Azhar, the Mussulman university at Cairo, with its two hundred professors and nearly eight thousand students, gives occasion to some pages of charming description. These lead to a discussion of the mischiefs which must result from the identification of law and theology. Given an unerring book covering both, there can be no development of law, as a living organism and religion degenerates into mechanical formalism. Fortunate for the Western world that the New Testament is not and cannot furnish forth a code. Equally fortunate that the civil law was so intrenched in Europe that the canon law never had any chance to supersede and smother it.

The two addresses referred to amount to an argument, and a powerful one, supported by the speaker's long experience, in favor of giving large place in law schools to the civil law. The law student who expects to give three years to professional studies is advised to devote the first to Roman law.

Taken as a body, these recreations of an author who has placed his generation under heavy obligations for works of first-rate merit, can add little, if anything, to his well-earned fame. It was still worth his while to collect and edit them. It is worth the while of thoughtful students of Anglo-American history and politics to read them. Those readers who are competent to differ with the author on minor points of accuracy or even upon more important matters will do so with modesty and respect.

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Reconstruction and the Constitution, 1866-76. By JOHN W. BURGESS, Ph. D., LL. D. Pp. xii, 342. Price, \$1.00 net. The American History Series. New York: Charles Scribner's Sons, 1902.

Professor Burgess' latest work is something more than a narrative essay, setting forth the history of the Constitution of the United States and the progress of reconstruction. Nor is the author content with the mere presentation of facts and theories. He boldly expresses his own views and opinions of both men and measures. He does not hesitate to tell us what, in his judgment, ought to have been done. The values of the legislative, administrative, and military acts of the period are tested by what the author holds to be the principles of "sound political science and correct constitutional law;" while the conduct of men is judged from a politico-ethical standpoint. The higher aim or purpose of the author seems to be to aid in the reconciliation of the North and South through an impartial presentation of the facts and a candid admission of the errors of reconstruction.

Through the mass of legislative and administrative details Professor Burgess sees that the essential political problem of this period in American history is reconstruction. Furthermore, the author sees clearly that "the key to the solution of the question of reconstruction is the proper conception of what a 'state' is in a system of federal government." And so in the very first chapter he points out that, in the federal system of the United States, a "state" is a "local self-government under the supremacy of the Constitution of the United States, and of the laws and treaties of the central government